

16805 U.S. PTO  
09/09/03

Docket No.: 143

September 9, 2003

Mail Stop Patent Application  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

22151 U.S. PTO  
10/659057  
09/09/03

Enclosed herewith for filing is a patent application, as follows:

Inventor(s): Bender, Theodore M.  
DuBois, Brian R.  
Pomeroy, Dan M.  
Chamness, Scott O.  
Donohoe, Brendan M.

Title: **Tool for Creating an Opening in Tissue**

<u>X</u>	Return Receipt Postcard
<u>X</u>	This Transmittal Letter
<u>49</u>	page(s) Specification (not including claims)
<u>6</u>	page(s) Claims
<u>1</u>	page Abstract
<u>15</u>	Sheet(s) of Drawings
<u>X</u>	Nonpublication Request
<u>X</u>	<b>Applicant(s) assert(s) entitlement to small entity status for the attached patent application.</b>

This application is a continuation-in-part of U.S. Patent Application Serial No. 10/054,745.  
**This application is being filed without declaration or filing fee under 37 CFR 1.53(b).**

CLAIMS AS FILED (fees computed under 37 CFR §1.9(f))

	Number			Number					Basic Fee
For	Filed			Extra		Rate		\$	375.00
Total Claims	42	-20	=	22	x	\$9.00	=	\$	198.00
Independent Claims	3	-3	=	0	x	\$42	=	\$	0.00
<input type="checkbox"/> Fee of _____ for the first filing of one or more multiple dependent claims per									\$
<input type="checkbox"/> Fee for recording assignment									\$ 0.00
<input checked="" type="checkbox"/> Total fee for filing the patent application									\$ 573.00
<input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 502108.									

**EXPRESS MAIL LABEL NO.:**  
**EV302958328US**

Respectfully submitted,



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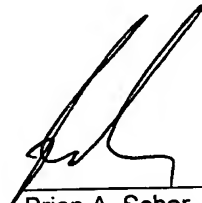
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MODIFIED PTO/SB/35 (11-00)

<b>REQUEST AND CERTIFICATION UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	Inventors	Bender, Theodore M.; et. al.
	Title	Tool for Creating an Opening in Tissue
	Atty Docket Number	143

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

September 9, 2003  
Date



Brian A. Schar  
Attorney for Applicants  
Reg. No.: 45,076

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**